Dewan.—Do you know that there is a new Bill amending and repealing the old Regulation, which has been settled by the Legislative Council ?

Member.—I am referring to the sections of the old Regulation of 1067.

Dewan.—If you speak about the provisions of the old Regulation, which will be necessarily repealed in the course of a few months, your suggestions will not be of much use. Probably, many of the defects you are going to point out have been remedied in the new Bill. In any case, it is best that you go through the Amending Bill.

The Member next referred to the Revenue Recovery Regulation. He objected to the attachment of movables in the case of default of payment of tax, as such a process caused unnecessary hardship to the owner. A portion of the property on which the tax was due, should be attached and sold, and the defaulter should be allowed to redeem the property on payment of a penalty of 5 per cent. on the purchase money to the purchaser within a specified time. He suggested that the provisions relating to the attachment of movable property should be done away with.

In the Registration Regulation, he said that, as the production of a true copy signed by the executant was dispensed with, if the executant denied the fact of execution and the document was lost, there was no means of proving the signature nature of the executant in cases in which the document was presented for registration by the executant himself. He quoted instances in which the difficulty was actually experienced and suggested that the signatures and thumb impressions of all the parties concerned might be taken not only on the back-side of the document, but also in a separate book, for the purpose of proving the completeness and the binding nature of the contract. Again, survey numbers were often mis-stated and it caused much trouble in the transfer of registry by the Revenue Department and in the execution of decrees by the civil courts. He suggested that qualified conveyancers should be attached to the Sub-Registry offices.

Under Article 100 of the Schedule to the Limitation Regulation, a suit for declaration of title to immovable property and to set aside a patta was barred after six years, while the limitation bar to a suit to evict a man from possession on the strength of a patta was only after twelve years. Further, a suit by the jenmi against members of a Malabar tarwad for declaration of the non-liability of the tarwad properties for sale in execution of a decree-debt based on a hypothecation bond and for setting aside the decree as far as the tarwad properties were concerned was also held to be governed by the same Article. The Member was of opinion that both the cases came under 'any interest in land' referred to in Article 121, and that the limitation bar should be only after 12 years.

At this stage, the Dewan asked the Member whether he had much more to say. The Member replied that he had to propose certain amendments to the Insolvency Regulation, the Criminal Procedure Code, the Nair Regulation and the Succession Certificate Regulation.

Dewan's reply.—You may send up a memo. containing all your suggestions and they will be duly considered. The points mentioned by you are noted.

33. Necessity for a Regulation for the valuation of trees in civil suits.

Mr. Devan Krishnan Kartavu (Member, Shertalay taluk) said that the commissioners appointed by civil courts were, in most cases, inefficient to make a proper valuation of trees. They were often guided by one of the parties in framing their reports which were not attested by respectable witnesses. Even if the commissioners wanted to be impartial, there was no precise rule to guide them in the valuation of non-bearing young trees. The time which a tree took to bear fruit depended upon various conditions and a person with no experience of the different kinds of trees would not be able to fix a correct value. If respectable and experienced local men were made necessary witnesses to the mahazars prepared by the commissioners, the hardship would be minimised, though not wholly avoided. The necessity for a law on the subject was keenly felt throughout the State, particularly in the taluk of Shertalay. In reply to the Dewan's query, the Member said that he was not aware of the existence

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of a law on the subject in Malabar and was not therefore in a position to say whether a similar one would be sufficient in Travancore.

He then said that, if it were ordered that applications for the execution of decrees, etc., should be disposed of in the order of their receipt or that they should be disposed of within a specified period, much of the inconvenience now experienced by parties could be minimised.

Dewan's reply.—Noted.

34. Need for a legislative enactment relating to marriage and succession among the Ezhavas of Travancore.

Mr. N. Kumaran, B. A. & B. L. (Member, Nominated) said that the Nair Regulation was producing the most beneficial results to that community. The Ezhavas were ever since the passing of that Regulation, agitating for a similar law recognising the validity of their marriage and regulating succession among them. No steps were taken on their representations, probably because the Government were not convinced either of its importance or of its pressing necessity. The Member said that the trend of modern decisions of the High Court was to deprive the Ezhava marriage of what little stability it had established under customary law. It was therefore the duty of the legislature to step in without delay and recognise the validity of their marriage in accordance with the growing sense of the community. On that point, the Ezhavas of Travancore were united and no difference of opinion existed among them.

Coming to the question of succession, the Member said that the Ezhavas practically followed three systems of inheritance in Travancore. The Ezhavas of Minachil, Ettumanur, Todupuzha, Kunnatnad and some parts of Alangad as also of the Southern Division, numbering roughly about 10% of the total Ezhava population, followed Makkathayam. The Ezhavas living in Quilon and in the taluks to the south of it followed what was called a mixed system under which both the children and the Anandravars inherited in equal shares the assets of the deceased. That system was virtually adopted in the Nair Regulation. The Ezhavas in the taluks north of Quilon followed the pure Marumakkathayam law under which the children got nothing from their father's earnings. About 60% of the Ezhavas followed the Marumakkathayam system, while about 30 % followed the mixed system. He was of opinion that the Makkathayees might be left alone in matters of succession. The mixed system based purely on custom recognised by the courts might be confirmed by an enactment. The law of succession was intended mainly to benefit the pure Marumakkathayees. The defects of that unnatural system and the evils resulting from it were already known to society and to the Government and the provisions of the Nair Regulation were the best remedy so far devised.

He said that the generality of enlightened opinion was in favour of a legislation on the proposed lines. He sought for and obtained the opinions of the leading members and associations in the community and they were all in favour of legislation and no dissentient voice was heard till the present moment. Such unanimity of opinion was an index to the feelings of the community as well as to the urgency of the problem.

Dewan.—Apart from the opinions of the leading members and associations, what is the opinion of the mass of the Ezhava community on the necessity for such a legislation ?

Member.—They all desire to have legislation. There will be no difference of opinion.

Mr. A. K. Purushothaman (Member, Nominated) said that he would not propose any change in the existing practice in the succession among the Makkathayees. Slight changes might be necessary in the mixed system. It was mainly regarding the Marumakkathayees that he urged for legislation.

Dewan.—Do the Ezhava members present here represent all the systems you speak of ?

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